THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 16155 OF 2005

Dated: 30th November, 2005

Between:

Boya Rajappa and another …Petitioners

A N D

1. The Mandal Revenue Officer, Kundurpi

Mandal, Anantapur District and Others …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 16155 OF 2005

O R D E R :

1. When W.V.M.P.No. 3203 of 2005 came up for hearing, both the parties consented for disposal of the writ petition itself and hence heard arguments in the writ petition.

2. This writ petition has been filed by the petitioners who are two in number with a

prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents in trying to dispossess the petitioners from their lands admeasuring Ac. 3-90 cents in S.No. 351-2A/1 and Ac.3-50 cents in S.No. 351-2A/2 of Malayanur village as illegal and arbitrary.

3. The petitioners claimed that the lands bearing Survey No. 351-2A/1 admeasuring Ac.3-90 cents and Survey No.351-2A/2 admeasuring Ac.3-50 cents of Malayanur village have been assigned to them. Subsequently, Pattadar Pass-Books have also been issued in their favour. It is their further case that the 1st respondent at the instance of respondents No. 2 to 4 are trying to dispossess the petitioners and thus they approached this Court by invoking jurisdiction under Article 226 of the Constitution of India with the prayer stated supra.

4. The unofficial respondents i.e. Respondents No. 2 and 3 filed counter affidavit. According to them, their father and their paternal uncle are assignees of the land and that the petitioners are not the assignees. They stated in the counter affidavit that they along with the petitioners being the legal representatives of original assignees are in possession of the lands jointly.

5. Heard learned counsel for the petitioners, learned Government Pleader for Assignment appearing for 1st respondent and learned counsel appearing for respondents No. 2 to 4.

6. Learned Government Pleader for Assignment appearing for 1st respondent submits that the 1st respondent is no way concerned with the lands in question and at no point of time any attempts were made by the 1st respondent to dispossess the petitioners. Such is the situation, it is for the petitioners to workout their remedies in Civil Court, if they apprehend dispossession from the lands stated supra by the unofficial respondents No. 2 to 4, who are no other than their own brothers. 7. In view of the foregoing discussion, I do not see any merit in this writ petition and there is no cause of action for the petitioners to seek writ against the official respondent.

8. Accordingly, this writ petition is dismissed. No order as to costs.

Justice B.Seshasayana Reddy

30th November, 2005.

C.C in three days

B/o

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